

Amanda Morales

Motion for summary judgment

Facts

1. Ezzard Morales died 1/02/2010 cause of death Oxycontin, amtriplyine citalopram and tremadol
2. Purdue did not warn about the interactions between Oxycontin and these medications
3. 2016 the FDA issued a safety announcement and **specifically named amtriplyine citalopram and tremadol on the new warning label as medications that interact dangerously with Oxycontin.**
4. Purdue Pharma's failure to warn caused Mr. Morales's death, they did not warn or educate physicians
5. Interaction causes rare but fatal serotonin syndrome which on the warning label stated that there had been 6 other cases of serotonin syndrome with **Oxycontin amtriplyine citalopram and tremadol.**
6. **It's rare but none of these should have been taken with Oxycontin and they did not warn physicians. They knew or should have known about the interactions.**
7. **The warning label at the time of death warned about serotoninic medications but later was clear and specific naming the medications that caused my father's death.**
8. **The autopsy report stated it was due to the combination of medications.**
9. Purdue Pharma's risk management system failed because it also stated in the autopsy report that my father had a part medical history of alcoholism and was addicted to cocaine. He also suffered depression and anxiety that's why he was prescribed the antidepressants that caused his death. Patients with addiction history and mental health were more likely at risk for Oxycontin addiction. The risk management system was ignored and Oxycontin was still prescribed to him. They put him at risk for possible addiction, but before that could have posed a risk his life was taken by reckless failure to warn but later change the warning label.
10. My father was not addicted to Oxycontin and his life was taken from the only ones who knew about the medications interactions.

**Purdue Pharma's objection NEVER addressed the motion they simply said they object in a short 3 page objection and did not deny or acknowledge my argument and at all.**

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

COVER SHEET FOR DIRECT APPEAL OF A BANKRUPTCY COURT DECISION

<p>Case Caption [<i>caption as described in Fed. R. Bankr. P. 7010 or 9004(b), as applicable</i>]:</p> <p><b>Chapter 11</b> : <b>PURDUE PHARMA L.P., et al., : Case No. 19-23649 (RDD)</b> : <b>Debtors. : (Jointly Administered)</b></p> <p>Claimant Amanda Morales</p>	<p>Bankruptcy Court Case No:</p> <p>Bankruptcy Adversary Proceeding No. [<i>if applicable</i>]:</p> <p>District Court Civil No. [<i>if applicable</i>]:</p>	<p>Bankruptcy Judge: <b>Robert D Drain</b></p> <p>District Judge [<i>if applicable</i>]:</p>
	<p>Date and Document Number of Notice of Appeal Filed in [ <input type="checkbox"/> ] Adversary Proceeding or [ <input type="checkbox"/> ] Bankruptcy Case:</p>	<p>Date and Document Number of Bankruptcy Court Judgment, Order or Decree in [ <input type="checkbox"/> ] Adversary Proceeding or [ <input type="checkbox"/> ] Bankruptcy Case:</p>

**Document Name**  
Response to defense  
(Purdue Pharma)  
objection to Claimant's  
motion (related  
document(s)3505)  
**Docket** filed by Amanda **Date**  
**# 3558** Morales. with hearing Filed08/13/2021  
to be held on  
8/16/2021 at 10:00 AM  
at Videoconference  
(ZoomGov) (RDD)

Attachments:  
Related: 3505email  
**Document Name**  
Objection / Debtors  
Objection to Amanda  
Morales Motion for  
Summary Judgment  
(related  
document(s)3191)  
**Docket** filed by James I. **Date**  
**# 3505** McClammy on behalf Filed08/09/2021  
of Purdue Pharma  
L.P.. (Attachments: # 1  
Exhibit A - Proposed  
Order)

Attachments: 1  
Related: 3191email  
**Docket** **Document Name** **Date**  
**# 3191** Filed07/15/2021

Motion for Summary  
Judgment filed by  
Amanda Morales. with  
hearing to be held on  
8/16/2021 at 10:00 AM  
at Videoconference  
(ZoomGov) (RDD)

Attachments:  
Related:email

[To answer questions below, place "X" on lines where appropriate:]

1. Who is certifying the direct appeal?

- ☐ Certification by Court (indicate below which court is certifying)  
☐ Certification by Bankruptcy Court – district: \_\_\_\_\_  
☐ Certification by District Court – district: \_\_\_\_\_
- ☒ At request of one or more parties  
☐ On court's own initiative
- ☐ Court is required to make certification under 28 U.S.C. § 158(d)(2)(B)
- ☐ Certification by All Parties using Official Form 24 – district from which appeal is taken: \_\_\_\_\_

2. Which paragraph of section 158(a) is applicable [28 U.S.C. § 158(a)]?

- ☐ 28 U.S.C. § 158(a)(1): appeal of a final judgment, order or decree  
☐ 28 U.S.C. § 158(a)(2): appeal of an interlocutory order or decree issued under 11 U.S.C. § 1121(d)  
☒ 28 U.S.C. § 158(a)(3): appeal of an interlocutory order or decree [other than one issued under 11 U.S.C. § 1121(d)] requiring leave of the court [indicate below whether leave has been granted]  
☐ District Court has not yet granted leave  
☐ District Court has already granted leave [provide civil proceeding name and civil number, date of order, name of judge, etc., in space provided below]  
\_\_\_\_\_  
\_\_\_\_\_

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3. Indicate basis for direct appeal [select one of the following]:

- ☐ The judgment, order or decree involves a question of law as to which there is no controlling decision of the court of appeals for this circuit or of the Supreme Court of the United States, or involves a matter of public importance.
- ☒ The judgment, order or decree involves a question of law requiring resolution of conflicting decisions.
- ☐ An immediate appeal from the judgment, order or decree may materially advance the progress of the case or proceeding in which the appeal is taken.

4. Indicate whether appellant has obtained a stay pending appeal and provide pertinent information pertaining to stay (date of issuance, etc.):

Granted ☐ Yes ☐ No Date and Court of Issuance: \_\_\_\_\_

5. Provide below a brief description of the matter decided by the bankruptcy judge [example: Order Confirming Chapter 11 Plan]: \_\_\_\_\_

Pro Se motion for summary judgment Amanda Morales filed on  
Hearing on and confirmation hearing date \_

Motion for summary judgment for Amanda Morales claim against Purdue Pharma for the death of the her father Ezzard Morales on 01/02/2010. Cause of death was OxyContin, amitriptyline, citalopram and tramadol intoxication. Failure to warn about the interactions of medications was the matter addressed in the motion. In 2016 the medications amtriptyline, citalopram and tramadol were all added to the new OxyContin warning label which they had not been mentioned on the warning label in 2010 to warn about the dangerous interactions with Oxycontin. The merits of this claim were not addressed by Purdue Pharma they did object but did not respond with any acknowledgement of the merits that Purdue Pharma is liable for failure to warn or knew of should have known about the safety warnings but I would like the opportunity to appeal the dismissal of summary judgment. Since the merits were not argued I think it's important that the court hear this claim in detail and I'm requesting a hearing on my claim against Purdue Pharma.

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6. Bankruptcy Judge: \_Robert D Drain \_\_\_\_\_  
[For notifying bankruptcy judges, staff of the court of appeals should refer to the circuit clerk's list of e-mail addresses.]

Date: \_10/14/2021\_\_\_\_\_ Submitted by \_Amanda Morales\_\_\_\_\_  
Name

\_\_\_\_\_ Pro Se \_\_\_\_\_  
Title/Firm or Court